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C O N F I D E N T I A L PORT OF SPAIN 000922

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E.O. 12958: DECL: 08/04/2016

TAGS: [KCOR](#) [KDEM](#) [KJUS](#) [PGOV](#) [TD](#)

SUBJECT: CHIEF JUSTICE CASE HEADED TO LONDON

REF: A. A.PORT OF SPAIN 00868

[¶](#)B. B.PORT OF SPAIN 00615

Classified By: CDA E. Sweeney for reasons 1.4 (b) and (d)

[¶11.](#) (U) T&T continues to be captivated by the convoluted Chief Justice criminal case (ref A). Chief Justice Satnarine Sharma stands accused of perverting the course of justice by inappropriately influencing the decision in the corruption case against former Prime Minister and Leader of the Opposition, Basdeo Panday (ref B). Sharma had pulled out all the legal stops he could by obtaining multiple injunctions preventing the police from arresting him. On July 31, an appeals court ruled that the injunction was inappropriate; however, Sharma's legal team immediately appealed the case to the Privy Council in London. In fact, both sides had already agreed that the case would go to the Privy Council no matter which way the appeals court ruled.

[¶12.](#) (U) On July 26, Sharma had announced that he would "step aside", that is, only fulfill his duties as administrator of the court, not his judicial duties. The next day, President Richards invoked Section 103 of the Constitution, which states that if the Chief Justice is unable to perform his/her duties the President can remove him/her from office. He relieved Sharma of all his duties and appointed Justice Roger Hamel-Smith as Acting Chief Justice until the case is resolved. Sharma is due to step down as Chief Justice in early 2007 under T&T retirement provisions in any case.

[¶13.](#) (C) COMMENT: The case continues to be handled in the court system, and, while the Opposition claims that the President was politically influenced to relieve Sharma of his duties, Post has no evidence that indicates the President acted inappropriately. Now that the President has stepped in, the case touches all three branches of government, and will have long-lasting implications for the country in terms of the separation of powers. An interesting adjunct issue to the case is that of the Caribbean Court of Justice (CCJ). Public opinion seems to be evenly divided between whether or not this case bolsters the need for T&T to join the CCJ (housed, incidentally, in Port of Spain) or indicates that justice is best served when the judges are far removed from the day-to-day political struggles of the country, preferably across the Atlantic in London. END COMMENT.

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